

## FARMINGTON CITY – CITY COUNCIL MINUTES

JULY 16, 2019

### WORK SESSION

*Present: Mayor Jim Talbot; City Manager Shane Pace; City Councilmembers Brett Anderson, Doug Anderson, Alex Leeman, and Rebecca Wayment; City Recorder Holly Gadd; Community Development Director Dave Petersen.*

### **MODERATE INCOME HOUSING PLAN**

Community Development Director **Dave Petersen** noted that Senate Bill 34 had recently passed. The City's first Moderate Income Housing Plan was done in 1998 as mandated by the State, but it lacked penalties if it wasn't followed. That meant there was not a lot of incentive for cities to do it. Farmington City's last version was done in 2012, but is now out of date. Now, at minimum, annual reporting is required. The new plan must be submitted to the State by December 1, 2019. If it is not submitted, it could affect transportation funds. The State is having a housing and affordability crisis. The State is moving in increments from the City having a plan in place to implementing the plan. The City has to lay out demographics and how many moderate income individuals housing must be provided for. City Planner **Meagan Booth** is already working on filling out templates provided by the State and is almost finished. City Councilman **Doug Anderson** asked how Farmington can deal with providing moderate income housing when there is only 8 percent of the land left to be developed, compared to Tooele that has 60 to 70 percent. He wants to know if there is equity in dealing with this issue. **Petersen** said he doesn't know the answer to that. Four strategies must be implemented, or three if there is not a fixed transit system. He said the City is already implementing nine including rezoning for density, allowing for high density residential zones in commercial areas, eliminating reliance on vehicles by allowing development in transportation corridors, allowing for single-room occupancy developments, preserving existing moderate income housing, and setting money aside in the RDA for moderate income housing.

**Petersen** said Planning Commissioner **Mike Plaizier** is a moderate income housing guru and has been assisting with this effort. City Councilwoman **Rebecca Wayment** said that she has been watching the real estate market and has found that millennials don't want older homes that are affordable, but do want new homes on a small piece of ground. **Petersen** said that banks are financing multi-family and apartments for rent more than they are financing condos and units for sale. Mayor **Jim Talbot** said that the focus should be on banks and what they are willing to finance.

### **LOT SMITH FAMILY STATUE FOR MUSEUM PROPERTY**

City Manager **Shane Pace** said that the family of Lot Smith is interested in giving a statue to the City for the museum property. Lot Smith was buried in Farmington, but **Pace** and **Connie Deianni** had recently been made aware of some negative information about Smith on the internet and wanted to make Councilmembers aware of the potential for controversy. This includes that Smith was a polygamist who was abusive to his spouses and a young Native American Navajo

boy. He was also sent by Brigham Young with a group to Utah County to track down a Native American Timpanogos tribe, where about 100 Native Americans were killed. There are also other positive things on record about Lot Smith, including that he lived among Navajo Indians at the time of his death.

**Deianni** said she was supportive of this to begin with. She then began her research and found some negative aspects to his background including that the Church of Jesus Christ of Latter-day Saints banished him to Arizona before his death. She isn't sure if she can defend Smith's reputation if challenged as a Planning Commissioner, and asked the City Council to consider tabling the item at this point. Mayor **Talbot** said the City Council and Planning Commission did not search this out, but that the family came to the City.

### **REGULAR SESSION**

*Present: Mayor Jim Talbot; City Manager Shane Pace; City Councilmembers Brett Anderson, Doug Anderson, Alex Leeman, and Rebecca Wayment; City Recorder Holly Gadd; Community Development Director Dave Petersen; Finance Director Greg Davis; Economic Development Director Brigham Mellor; City Attorney Todd Godfrey; and Fire Chief Guido Smith. Councilman Cory Ritz attended telephonically.*

### **CALL TO ORDER:**

Mayor **Jim Talbot** called the meeting to order at 7:00 p.m.

### **Roll Call (Opening Comments/Invocation/Pledge of Allegiance)**

City Councilman **Doug Anderson** offered the invocation, and the Pledge of Allegiance was led by City Councilwoman **Rebecca Wayment**.

### **PRESENTATIONS:**

City Manager **Shane Pace** introduced **Greg Davis**, the final candidate for the finance director position. He formerly worked for 27 years at Salt Lake City starting in the Finance Department and continuing as the finance director for the Public Services Department with 350 employees and a \$90 million budget. Most recently he worked as the finance manager for the Heritage and Arts Department at the State of Utah. He and his wife, **Wendy**, have five children and nine grandchildren.

Fire Chief **Guido Smith** introduced Fire Engineer **Jeffrey Jarrow**. Smith said for the first time they recruited nationally for a career fire engineer. **Jarrow**, his wife, **Liz**, and their five children come from New Orleans, Louisiana. He served a mission in Idaho. He completed a bachelor's degree in Emergency Management at Utah Valley University and has 12 years of experience in Weber County, Brigham City, and Ogden.

City Recorder **Holly Gadd** administered the oath of office to **Davis** and **Jarrow**.

## **PUBLIC HEARINGS:**

### **Kambouris Property Rezone (KAMICO, LLC) – 161 East 1470 South (Kambouris Lane)**

Community Development Director **Dave Petersen** said all but the corner property was built out years ago. There is a nonconforming garage/storage building on the property. The property was recently put up for sale, and staff has had several people inquire about it. **John Saltsgiver** put an offer on it and would like the property rezoned to R2 for a two-family dwelling. The surrounding area is zoned R, which doesn't allow for a two-family dwelling or secondary dwellings. However, Kambouris Lane is characterized by a number of attached units allowed by a R-1-4 zone that the City did away with in 1984. A number of them are rentals. Of the 85 dwelling units, 64 are attached units, which is 80 percent. The Planning Commission is glad that the property owner is mitigating weeds, junk, and debris, and voted 4-2 to recommend the rezone. The Planning Commission would like to watch this application as a case for moderate income housing.

**Saltsgiver**, 583 E. Pheasant Circle, Bountiful, Utah, said this is a good opportunity to look into moderate income housing. July 31, 2019, is when his contract expires on this, and he is not willing to put in a single-family home there.

Mayor **Talbot** opened the Public Hearing. **Konstantinos (Dino) Kambouris**, Millcreek, Utah, said he was raised in Farmington. The family decided to subdivide this property upon the death of his father. He is in favor of the rezone being passed. Mayor **Talbot** closed the Public Hearing.

**Brett Anderson** asked if this was spot zoning. **Petersen** said it would not be because all the area around it is already R-2, and is consistent with low density on the City's general plan. He said the City received a letter from the woman living next door in a single-family zone in opposition to the rezone. He said it would not be a condition of the rezone to allow a two-family dwelling, but that it would be time-sensitive. The two nay votes on the Planning Commission were: 1-**Greg Wall** voted no because he wants a single-family home in that area. 2-**Mike Plaizier** said a two-family dwelling doesn't actually mean that it is "affordable" housing. It is on a State Route, and would likely have the house facing 200 East.

**Brett Anderson** is worried about setting a precedence. **Talbot** said the rest of that development is developed out already, which makes it a rare case. He said he is fine with the lot being zoned R2, but does not like the home facing 200 East. **Brett Anderson** said this one is a real close call.

## **Motion:**

**Brett Anderson** moved to approve the enabling ordinance and rezone the 0.21 acre property at 161 E. 1470 South from R to R2 with the effective date of the ordinance as January 16, 2020, including Findings 1-6 in the staff report. Councilman **Doug Anderson** seconded the motion, followed by a unanimous vote.

## **Zone Text Amendment – Accessory Building Standards**

**Petersen** said this is an exciting agenda item. There are three zones: agriculture in the West Farmington area; low density residential, predominately in the East Farmington area; and the multi-family zones, R2, R4 and R8, scattered throughout the City. Although R2, R4 and R8 are multi-family zone designations, they also allow single-family dwellings, which are predominant in the City. Accessory buildings should be uniform to the main dwelling, but they are not. They are difficult to administer. Staff made a bullet point list in the text instead of leaving it in paragraph form. **Petersen** said that he estimates that 10 percent of the lots in the City have something illegal in their side yard such as a shed. Applicants should work with City Staff to approve the proposed less-restrictive accessory standards, which denote how far from property lines and main dwellings that accessory buildings can be placed, as well as heights of the accessory building.

**Leeman** requested a change be made in the final section of Chapter 13 and 11, where it implies that a fence is a structure. In other parts of the document, it refers to a fence as a device.

**Leeman** wants the language changed to “not to include fences” so that fences can never be mistaken for qualifying as a structure.

Councilman **Cory Ritz** joined the meeting telephonically.

Mayor **Talbot** opened the Public Hearing. Nobody signed up to address the Council on the issue. Mayor **Talbot** closed the Public Hearing.

**Brett Anderson** asked about encroachment on recorded and unrecorded easements and property lines. City Attorney **Todd Godfrey** recommended leaving it as is so that it can protect staff.

### **Motion:**

Councilwoman **Rebecca Wayment** moved that the Council approve the ordinance amending Sections 11-10-040 H, 11-11-060, 11-11-070, 11-13-050, and 11-13-060 of the Zoning Ordinance regarding standards related to accessory buildings with the noted changes by Councilman **Leeman** to Chapter 11 and 13. **Doug Anderson** seconded the motion, followed by a unanimous vote.

### **OLD BUSINESS:**

#### **Flat Rock Schematic Plan**

**Petersen** said the schematic plan portion of this item was tabled June 18, 2019. **Leeman** and **Ritz** met with the developers to discuss multiple issues including TDRs, open space, trail head, and allowing animals. **Petersen** said it is consistent with the General Plan and there is something appealing about large lots, which take longer to develop out due to the market. Farmington Ranch Phase 8 is another development in the City with large lots. **Petersen** pointed out that many of them have substantial weed problems, and improvements take longer to construct.

**Doug Anderson** asked what the previous concerns were, including the location of the park. **Petersen** said the schematic plan includes a Homeowners' Association (HOA) park. **Doug Anderson** said he liked the idea of a pasture, but worried that it would become a big weed patch. **Petersen** said it could be done correctly with the appropriate Covenants Codes and Restrictions.

**Leeman** said it is a bad idea to have the playground under the power lines. He said he previously wanted to see the lot count lower when considering their 44- and 49-lot design. Cul-de-sacs near the interior park is more aesthetically pleasing in the 49-lot design. He also wanted the lots that bordered Ranches 8 to be similar in size to that development without an abrupt lot size change between the two developments. He feels that if the Stoddard property to the south ever developed in the future, it would probably develop more densely instead of less densely due to its proximity to the freeway, which is not slated for sound walls.

Applicant **Michael Hoskins**, 308 E. 4500 S., Murray, Utah, addressed the City Council. The HOA will maintain the park, open space, trail connections, entrances, and open space under the power lines for pasture space. He said an easement could be provided leading to the Peterson property on the north as well as to the Stoddard property on the south. The cul-de-sacs are designed for snow removal. He said he presented four different options to Council members for this property, and the current configuration was preferred. **Hoskins** said he envisions the PUD caring for the 5 acres of open space as manicured, naturalized open space. It will not be maintained as turf except for a certain spot at the entrance.

**Doug Anderson** said has had lived in this area for the past 16 years, on Ranch Road leading to 1525. There is an area there that was maintained by the HOA as natural grasses for two to three years before the residents decided it was not desirable. It is now maintained as turf with a white fence, sprinkling system and trees. **Doug Anderson** said that the entrance to the development should be welcoming. **Brett Anderson** mentioned Miller Meadows with the eyesore weedpatch island of open space in the middle that residents don't like. **Talbot** said HOAs are great, if they work. Others eventually want to turn property over to the city because they can't maintain it any longer. **Doug Anderson** said he likes the park in the middle. **Ritz** said that he doesn't want a weed patch of open space, but that it be a maintained, utilized pasture or else made into grass. **Ritz** and **Leeman** are fine with the plan as presented. **Wayment** wants strong wording justifying the waiver other than the existence of the power lines. **Petersen** said he would let the Planning Commission know that the Council is concerned with the vague language of the waiver.

#### **Motion:**

**Leeman** moved to approve the schematic plan subject to all applicable Farmington City ordinances and development standards, with the following five conditions:

1. The applicant shall submit a planned unit development (PUD) application for the subdivision whereby the Planning Commission and the City Council may consider an increase in the total number of lots from 44, as illustrated by the yield plan, to 49 lots during the Preliminary PUD Master Plan portion of the PUD process.
2. No TDRs will be considered for the property, but if necessary the Planning Commission and City council will consider a waiver as per Section 11-27-155 of Chapter 27 of the

Zoning Ordinance, on account of the property being constrained by power lines and offering benefits to the city of the two trail connections in specific terms of the waiver to be presented for subsequent approval at the next stage of the development approval process.

3. The land located under the power lines will be used for open space and/or pasture/agriculture purposes; the HOA for the PUD will own and maintain this space, and may lease the property or make it available for owners within the PUD as per rules established by the HOA.
4. The developer will designate the south end of each cul-de-sac as “no driveway access” or for a place to store snow.
5. All outstanding comments from the DRC for schematic plan shall be addressed on the preliminary plat.

**Doug Anderson** seconded the motion. The motion was approved unanimously.

**Brett Anderson** wants the weed patch addressed. **Talbot** wants to see the developer’s proposal for maintenance of the open space when they come back next time. **Petersen** will make note of it.

#### **Real Estate Purchase Contract with Clyde and Gail Heiner for Property Located at 326 Park Lane**

Mayor **Talbot** said this involves the little pink house. Economic Development Director **Brigham Mellor** said it is not being used for residential purposes currently as utilities are shut off. It could still be rented out if some maintenance is done first. The money to purchase it was budgeted last year, but can be moved to this year’s budget to complete the purchase. The intent is to tear down the building. **Pace** said the city would need to install curb, gutter and sidewalk in front of the property before it is sold. **Talbot** said a potential buyer has been identified and the Heiners came down in price.

#### **Motion:**

**Leeman** moved that the Council approve the Real Estate Purchase Contract for \$150,000 in the contract with the property owner dated June 28, 2019. **Cory Ritz** seconded the motion, which passed unanimously. **Pace** said the date on the REPC will need to be changed.

#### **Amendment to Agreement with Davis County regarding Jail Expansion**

**Pace** presented the agreement including the process the County would need to go through to approve the jail expansion, including upgrading the medical facilities at the jail. He wants the County to only be granted what they need and nothing more. Farmington City Attorney **Todd Godfrey** drafted the agreement. **Godfrey** said this would be the third amendment to the inter local agreement on expansion, which was patterned after the one done 17 years ago. The County will need to seek a revision to their Conditional Use Permit in addition to a contractual agreement with the City. He said the City should act in the public interest, and reminded them of the impacts to the broader public that come along with a public facility like this. **Brett Anderson** said there are not very many opportunities to amend a past agreement, and the City

Council should consider anything they would like to change or add. **Godfrey** said from his notes and files, he hasn't seen any jail issues over the years other than expansion requests.

**Talbot** said that in past discussions, the City Manager didn't want expansion of beds, but that he was willing to look at this from a humanitarian aspect. He wanted to know what benefits the City would get from the expansion. **Talbot** said there are 896 beds, and the City thinks that is plenty. However, he sees the need for additional beds for psychiatric and medical purposes. He wonders if that stops at 20 more beds. Currently the jail doesn't use all 896 beds, but they do rent them out to other jurisdictions for a higher rate. He wants to make sure that medical beds are not used for other types of beds if they are vacant.

**Godfrey** said that verbiage should be added that the expansion will be for medical purposes only. If more beds are needed, they will need to find additional space outside of the City. The rest of the agreement should remain in place. **Leeman** said the City is giving up a right in the contract without a clear benefit to the City. The City should request something in return.

**Godfrey** suggested that the City ask for a right of first refusal if the jail would like to sell the property or move the jail in the future. **Brett Anderson** suggested that the jail would give up the right to ask for future expansion. **Talbot** said there is a proposed upper floor to this expansion for office and administrative purposes. He would like to see the agreement mention that no beds will be located on the second floor. **Leeman** said there are concerns from Station Park about the timing and the manner that people are released from the jail, which was not an issue 20 years ago.

#### **SUMMARY ACTION:**

##### **Minute Motion Approving Summary Action List**

The Council considered approval of minutes from June 4, 2019; plat amendment for Darren and Mari Kimoto (802 S. Country Lane); and Stonebrook Farms Improvements Agreement.

#### **Motion:**

**Wayment** moved for approval of the Summary Action list items number one as noted in the staff report. **Leeman** seconded the motion, which was unanimously approved.

#### **GOVERNING BODY REPORTS:**

##### **City Manager Report**

**Pace** said that staff will come forward in the future with more information about the Lott Smith statue in order to give the family more time to respond.

**Bob Anderson** from the American Legion approached staff today after meeting with the County. The County will not be allowing the American Legion to use space in the courthouse after the back 2/3 is removed and the rest of the building is remodeled. That would be in a month and a half from now. They wanted to know if the City had any space they could use. **Pace** told him that the City would have to do a cost benefit analysis to demonstrate benefit back to the community, which he thinks will be easy to show. **Pace** said there is currently no space in City

Hall, but wanted to bring the issue up to the whole Council in case they could identify opportunities, even private business space. The museum might be a possible option for an office and conference room. The School District may be a possibility as well, **Talbot** mentioned.

### **Mayor Talbot and City Council Reports**

**Ritz** discussed the mosquito count for the year, mentioning that it is three times the five year average, and West Nile had been confirmed in the Moab area. Council members mentioned a few places that standing water is still visible within City limits. **Ritz** said there has been active treatment by air and ground.

**Leeman** received a complaint about the construction at 250 South Legacy trail head with open trenches. He sat on a yard of a woman living on Main Street during the parade and she asked him about the history of a speed limit increase to 40 on that road. **Talbot** said it was increased after a traffic study, and that the City has no input on the process. **Wayment** said speed limit changes happen very often and keep people on their toes. **Leeman** mentioned that from the State Street/Main Street intersection to the State/Park Lane intersection, there are no striped cross walks, through all of Old Town and the Rock Church. The woman asked if a cross walk could be striped in that area. **Leeman** said it would make sense at several locations along there, like in front of the Rock Church. **Pace** said UDOT is full of engineers who want to move traffic, but do not focus on the community, but he would look into making a request.

**Talbot** said he has seen a lot of City Council support at Festival Days compared to past years, and that the employees noticed it. It was the best fireworks and concert in recent memory. City Councilmember said that highlights were the pet adoption area, bounce house area, and car show. **Talbot** said a concern was that the candy-throwers be adults in the future so that candy isn't thrown close to the parade vehicles, which poses a safety concern. The football team was throwing frozen Otter Pops, which was dangerous. **Talbot** asked about the Monday Night Movie, because sometimes wind and weather conditions are a concern. **Wayment** said a late-night movie on a work night is difficult. **Talbot** said it may be worth forgoing the movie night for a year and seeing what the feedback is. **Wayment** and **Doug Anderson** said there are not a lot of activities for small children and families, and it would be unwise to discontinue the tradition.

**Talbot** said City Council candidates can start putting up their signs September 27, 2019. The City no longer holds a candidate debate event.

### **CLOSED SESSION**

#### ***Motion:***

**Leeman** made the motion to go into a closed meeting for property acquisition. **Doug Anderson** seconded the motion, which was unanimously approved. **Wayment, Leeman, Ritz** and **Talbot** were the only attendees of the closed meeting.

### **Sworn Statement**



I, **Jim Talbot**, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the council was so convened in a closed meeting.

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**Jim Talbot**, Mayor

***Motion:***

**Doug Anderson** made a motion to reconvene to an open meeting. The motion was seconded by **Rebecca Wayment**, which was unanimously approved.

**ADJOURNMENT**

Motion:

**Brett Anderson** made a motion to adjourn the meeting. **Doug Anderson** seconded the motion, which was unanimously approved.

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**Holly Gadd**, Recorder